



**Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

IN THE MATTER OF THE MOTOR VEHICLE
DEALER LICENSE OF TRI COUNTY SALES
AND SERVICE, INC.

Case No.: TR-99-0008

FINAL DECISION

On May 25, 1999, the Department of Transportation filed a complaint with the Division of Hearings and Appeals pursuant to sec 218.01, Stats, alleging that Tri County Sales and Service, Inc has failed to maintain a surety bond or letter of credit as required by sec 218.01(2)(bb), Stats. Pursuant to due notice, a hearing was conducted on June 25, 1999, in Madison, Wisconsin. Mark J. Kaiser, Administrative Law Judge, presided.

In accordance with secs 227.47 and 227.53(1)(c), Stats., the PARTIES are certified as follows

Wisconsin Department of Transportation, Complainant, by

Attorney Charles M Kernats
Office of General Counsel
P O. Box 7910
Madison, Wisconsin 53707-7910

Tri County Sales and Service, Inc., Respondent, by

No Appearance

The Administrative Law Judge issued a proposed decision on June 28, 1999. No comments on the proposed decision were received. The proposed decision is adopted as the final decision in this matter.

Findings of Fact

The Administrator finds:

1. Tri County Sales and Service, Inc. (Tri County) is a motor vehicle dealer conducting business at 601 Main Street, Neenah, Wisconsin. Tri County holds a motor vehicle dealer license issued by the Department of Transportation (Department).
2. Motor vehicle dealers are required by sec 218.01(2)(bb), Stats., to maintain a \$25,000 surety bond or letter of credit as a condition of obtaining and maintaining a motor vehicle dealer license.
3. On October 27, 1999, Old Republic Surety Company issued a notice of cancellation of the surety bond it had issued on behalf of Tri County. The cancellation was effective on February 23, 1999
4. Tri County has not provided evidence of a continuation of the existing bond, a replacement surety bond, or an irrevocable letter of credit to the Department. As of February 23, 1999, Tri County has failed to maintain a surety bond or irrevocable letter of credit.

Conclusions of Law

The Administrator Concludes:

1. Pursuant to sec 218.01(3)(a)7, Stats., failure to maintain the surety bond or letter of credit required by sec. 218.01(2)(bb), Stats., is grounds for the denial, suspension, or revocation of the license of a motor vehicle dealer license
2. Pursuant to secs. 218.01(3)(c) and 227.43(1)(bg), Stats., the Division of Hearings and Appeals has the authority to issue the following order.

Order

The Administrator Orders:

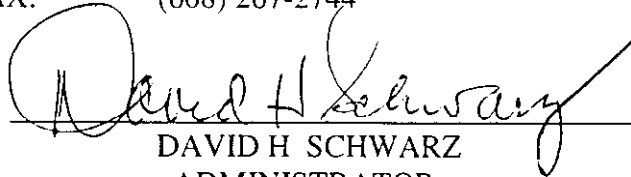
The motor vehicle dealer license of Tri County Sales and Service, Inc. is suspended and shall remain suspended unless and until Tri County Sales and Service, Inc. provides to the

Department of Transportation proof of the existence of the requisite surety bond or irrevocable letter of credit effective retroactive to February 23, 1999. This order shall be effective ten days from the date of the final order in this matter.

Dated at Madison, Wisconsin on July 14, 1999

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 267-2744

By

A handwritten signature in black ink, appearing to read "David H. Schwarz", is written over a horizontal line. The signature is fluid and cursive.

DAVID H. SCHWARZ
ADMINISTRATOR